

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Melissa A. Hoffman
Debtor(s)

Bankruptcy Case No.: 20-22760-GLT
Issued Per Mar. 25, 2021 Proceeding
Chapter: 13
Docket No.: 30 – 12, 24
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated September 29, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Village Capital and Investment (Claim No. 7) .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.

Attorney fees are no-look based on a retainer of \$750.

The claim of Ford Motor Credit Company (Claim No. 6) shall be paid per consent order of January 6, 2021 [Dkt. No. 28].

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: March 26, 2021

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
Melissa A. Hoffman
Debtor

Case No. 20-22760-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Mar 26, 2021

User: jhel
Form ID: 149

Page 1 of 3
Total Noticed: 31

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 28, 2021:

Recip ID	Recipient Name and Address
db	Melissa A. Hoffman, 202 Wylie Avenue, Strabane, PA 15363
15291771	Bank of America, 4060 Ogletown/Stanton Road, DE5-019-03-07, Newark, DE 19713
15311234	+ Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
15291772	Capital One Bank USA NA, Richmond, VA 23285
15291781	++ FIRST SAVINGS BANK, PO BOX 5096, SIOUX FALLS SD 57117-5096 address filed with court:, First Savings Credit Card, 500 E 60th St N, Sioux Falls, SD 57104
15291782	+ FMC - Omaha Service Center, P.O. Box 542000, Omaha, NE 68154-8000
15291780	+ First National Credit Card CMC, 500 E 60th ST N, Sioux Falls, SD 57104-0478
15291790	TD Bank USA/Target Credit, 7000 Target Parkway N, Mail Stop NCD-0450, Brooklyn Park, MN 55445-4301
15291791	+ US Department of Education/GLELSI, PO box 7860, Madison, WI 53707-7860
15291792	+ Village Capital & Investment, 2863 St. Rose Parkway, Henderson, NV 89052-4806

TOTAL: 10

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Mar 27 2021 04:43:39	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15291773	Email/PDF: AIS.cocard.ebn@americaninfosource.com	Mar 27 2021 04:43:18	Capital One Bank USA NA, PO Box 85015, Richmond, VA 23285
15295728	Email/PDF: AIS.cocard.ebn@americaninfosource.com	Mar 27 2021 04:32:39	Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
15291774	Email/Text: bankruptcy@clearviewfcu.org	Mar 27 2021 04:23:00	Clearview FCU, 8805 University Boulevard, Coraopolis, PA 15108-2580
15291775	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Mar 27 2021 04:23:00	Comenity Bank/New York & Company, PO Box 182125, Columbus, OH 43218-2125
15291776	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Mar 27 2021 04:23:00	Comenity Bank/Victoria Secret, P.O. Box 182789, Columbus, OH 43218-2789
15291777	+ Email/PDF: creditonebknotifications@resurgent.com	Mar 27 2021 04:43:29	Credit One Bank, 6801 S. Cimarron Road, Las Vegas, NV 89113-2273
15291778	Email/Text: mrdiscen@discover.com	Mar 27 2021 04:22:00	Discover Bank, PO Box 15316, Wilmington, DE 19850
15291779	+ Email/Text: bnc-bluestem@quantum3group.com	Mar 27 2021 04:24:00	Fingerhut/Webbank, 6250 Ridgewood Road, Saint Cloud, MN 56303-0820
15291783	+ Email/Text: GenesisFS@ebn.phinsolutions.com	Mar 27 2021 04:25:00	Indigo-Celtic Bank, PO Box 4499, Beaverton, OR 97076-4499
15291784	+ Email/Text: PBNCNotifications@peritussservices.com	Mar 27 2021 04:22:00	Kohls/Capital One, PO Box 3115, Milwaukee, WI 53201-3115
15291785	+ Email/PDF: MerrickBKNotifications@Resurgent.com		

District/off: 0315-2

User: jhel

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Form ID: 149

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15295251	+ Email/PDF: cbp@onemainfinancial.com	Mar 27 2021 04:32:08	Merrick Bank, PO Box 9201, Old Bethpage, NY 11804-9001
15291786	+ Email/PDF: cbp@onemainfinancial.com	Mar 27 2021 04:32:11	ONE MAIN, PO BOX 3251, EVANSVILLE IN 47731-3251
15298432	Email/Text: bnc-quantum@quantum3group.com	Mar 27 2021 04:52:31	OneMain, 100 International Drive, 15th Floor, Baltimore, MD 21202-4784
15291787	+ Email/PDF: gecsed@recoverycorp.com	Mar 27 2021 04:23:00	Quantum3 Group LLC as agent for, Genesis FS Card Services Inc, PO Box 788, Kirkland, WA 98083-0788
15291788	+ Email/PDF: gecsed@recoverycorp.com	Mar 27 2021 04:32:13	SYNCB/PPC, PO Box 965005, Orlando, FL 32896-5005
15291789	+ Email/PDF: gecsed@recoverycorp.com	Mar 27 2021 04:43:03	SYNCB/sams club DC, 4125 Windwar Plaza, Alpharetta, GA 30005-8738
15315389	+ Email/PDF: gecsed@recoverycorp.com	Mar 27 2021 04:32:15	Synco/WalMart, PO Box 530927, Atlanta, GA 30353-0927
15292485	+ Email/PDF: gecsed@recoverycorp.com	Mar 27 2021 04:32:15	Synchrony Bank, c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021
15308438	+ Email/Text: bncmail@w-legal.com	Mar 27 2021 04:52:32	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
		Mar 27 2021 04:24:00	TD Bank USA, N.A., C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132

TOTAL: 21

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Ford Motor Credit Company, LLC
cr		Village Capital & Investment, LLC
15307409	*+	Village Capital & Investment, 2863 St. Rose Parkway, Henderson, NV 89052-4806

TOTAL: 2 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 28, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 26, 2021 at the address(es) listed below:

Name	Email Address
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District/off: 0315-2

User: jhel

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Date Rcvd: Mar 26, 2021

Form ID: 149

Total Noticed: 31

Brian Nicholas

on behalf of Creditor Village Capital & Investment LLC bnicholas@kmlawgroup.com

Brian C. Thompson

on behalf of Debtor Melissa A. Hoffman bthompson@ThompsonAttorney.com
blemon@thompsonattorney.com;bthompson@ecf.courtdrive.com;jcastello@thompsonattorney.com;kfinke@thompsonattorney.com

Garry Alan Masterson

on behalf of Creditor Ford Motor Credit Company LLC pitecf@weltman.com

Office of the United States Trustee

ustpreion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteedpa.com

TOTAL: 5